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December 29, 1999

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The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

RECEIVED  
DEC 29 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Equal Employment Opportunity  
MM Docket No. 98-204 and MM Docket No. 96-16

Dear Chairman Kennard:

On behalf of the Broadcast Executive Directors Association ("BEDA"), we hereby present you with what we call "Modified Approach A" which is a proposed revised version of the Mass Media Bureau's "Approach A" as relayed to me and to representatives of the NAB. The text of BEDA's proposal follows. BEDA's rationale follows the text.

Proposed "Modified Approach A"

1. Each station must provide notice of a full-time job vacancy<sup>1</sup> either directly, or through its State Broadcasters Association, to any organization which has notified the station, in writing, that it wishes to receive such notice<sup>2</sup>;
2. In addition, each station must advertise a full-time job vacancy<sup>1</sup> either over the station, in a local newspaper of general circulation in the station's service area or on the Internet;

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<sup>1</sup>It is acknowledged and agreed that because of special circumstances, public notice of an impending vacancy may not be possible or appropriate.

<sup>2</sup>In cases where a station chooses to provide such notice through its State Association, the station shall notify the Association of all such requests received.

3. Each station shall retain the discretion to determine which of these three media it will use to advertise each opening;

4. If the station uses the Internet to advertise an opening, it must from time to time promote over its station the URL address of the website where its job vacancy information can be found and provide the telephone number of the nearest State Employment Office where interested persons may find further information;

5. A station which selects the Internet outreach option to post its full-time job openings shall receive a compliance credit for its use of the website of its State Broadcasters Association which is linked to the Broadcast Executive Directors Association's broadcast careers website;

6. A station proceeding under this approach shall not be required to track the gender, race or ethnicity of any applicant or interviewee for employment or maintain records of the source of each referral; and

7. A station proceeding under this approach shall also be required to engage in certain "non-vacancy" activities identified in the Commission's rules; it being understood that a station will be deemed to comply with this requirement if it engages in such activities sponsored by its State Broadcasters Association.

In explanation for this Modified Approach A, the following is offered:

1. We have preserved the Bureau's proposal to require stations to provide those organizations which have requested the information, notice of all full-time openings at the stations except where special circumstances dictate otherwise. Our modification is to permit a station to provide this information directly to the organizations, or indirectly to them through the station's State Broadcasters Association. Most, if not all, of those Associations can be expected to maintain mail/fax/e-mail lists of all organizations which have contacted stations in their respective states in order to supply those organizations with information on all job openings, not just openings at a single station. Thus the proposed change will allow stations to work with their State Broadcasters Associations to more efficiently provide the broadest amount of information available on job openings.

2. We have modified the Bureau's proposal to give stations the discretion to select the best way to advertise a particular job opening, i.e., over the station itself, in a newspaper of general circulation and/or on the Internet for these reasons:

a. It is unreasonable to require the broadcast industry to use newspapers as extensively and as exclusively as we understand to have been the initial approach suggested by the Bureau. Stations should have options, particularly now that stations will be required to notify all organizations requesting such information. Moreover, a strong argument can be made that an over the air advertisement is more effective than a newspaper ad in alerting a potential candidate to a job opening at that station. In support, according to the Radio Advertising Bureau, U.S. adults spend more time with radio between 6 a.m. and 6 p.m. than with any other major medium. Thirty-seven percent of persons 12 and older never stop to read a daily newspaper while radio reaches practically everyone. Persons 12 and older spend 44% of their 6am to 6pm media time with radio, while only 10% of that time goes to reading the newspaper.

b. An Internet based outreach option should also be recognized. In the view of BEDA, the Bureau's proposal totally overlooks the outreach power of the Internet to quickly and efficiently get the word out that various job openings exist. The agencies of the Federal Government listed on Attachment A, including the FCC, recognize this power by using the Internet to post their job openings. Similarly, the commercial world recognizes this power. See Attachment B. The refusal of the Bureau to allow use of the Internet as one of the ways a station can comply with the Commission's outreach efforts is unreasonable on its face, particularly given the fact that the FCC's sister agency, the Department of Labor, is actively promoting the use of the Internet to help people of all walks of life find all manner of jobs around the country, not just jobs at the DOL. See Attachment C. Attachment C describes "America's Job Bank" which is an Internet based partnership between DOL and a network of 1800 public Employment Service offices throughout the country.

c. Compared to BEDA's Internet approach, there are at least three major shortcomings to the Bureau's approach:

- i. under BEDA's approach, the time interval between the posting of a job vacancy on the Internet and the public's awareness of that posting is instantaneous. Under the Bureau's plan, depending on how the notice is sent to the requesting organization or to the newspaper and how they distribute the information, it could take days or weeks for an interested person to learn of the opening. The Bureau's plan looks more like a "Print Media Revenue Enhancement Act." From the standpoint of the importance of people being able to learn of an opening as soon as it occurs, the Bureau's plan is primitive in comparison to BEDA's plan.

- ii. Under BEDA's approach, anyone in the United States (and indeed the World) who has an interest in broadcasting as a career can learn of the Internet postings at a wide variety of locations, e.g., in their homes, schools, public libraries, workplaces, employment offices, from headhunters, etc. Under the Bureau's plan, the group of people reached is limited, including only those persons who are members of the organizations receiving the notices from the station and only those persons who reside where the newspaper is available. The Bureau's plan is so geographically limiting that it actually handicaps the woman or minority in Boston who is looking to relocate to Sacramento and begin or continue a career in broadcasting. Why penalize women and minorities that want to quickly and easily learn about broadcast career opportunities beyond where they live? That is the effect of the Bureau's proposal.
- iii. Under BEDA's approach of using the websites of the State Associations, every man, woman and child who has an interest in being considered for a career in broadcasting, no matter where the person resides or no matter where the potential job is located, has an incredibly efficient way to register his or her availability and qualifications. The Bureau's proposal overlooks that important benefit to job seekers which exists under BEDA's proposal.

d. To moot any concerns about a "digital divide," it is proposed that a station seeking credit for the use of the Internet must, from time to time, advertise the URL address of the State Broadcasters Association website it uses for its postings and give the telephone number of the State Employment Office nearest to the station where additional information can be obtained. These are the same Employment Offices that comprise DOL's national network for "America's Job Bank." Based on our research, nationally these state employment offices provide computer access to the public. People can go to the office and use the Internet to search for jobs. The offices supply technical support and services free of charge. Thus, any person will be able to receive information on job openings at a particular station, within a particular market, throughout a state or around the country.

e. We have proposed that stations which use the Internet for the advertising of their job vacancies should receive a "compliance credit" for their use of the websites of their State Broadcasters Associations which are linked to BEDA's broadcast careers website.<sup>2</sup> BEDA's online job bank can be found at "www.careerpage.org". Those websites will be promoted widely and therefore postings will have greater exposure leading to responses from more applicants.

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<sup>2</sup>A State Association may have its own online job bank or provide that service through the BEDA online job bank.

3. Consistent with the Bureau's approach, a station proceeding under Modified Approach A would not have to track the gender, race or ethnicity of any applicant or interviewee. BEDA objects to any requirement that a station maintain the type of record keeping which attempts to tie each person to a specific referral source. The paperwork burden will work at cross purposes to the objective of broad outreach.

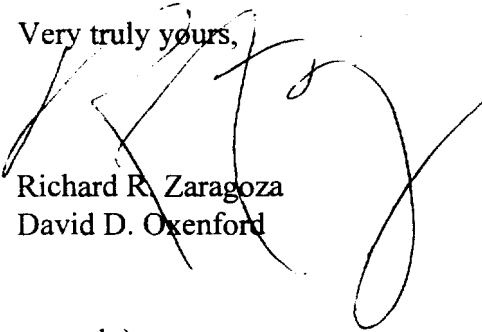
4. Based on this analysis, in our view there is absolutely no public interest reason to favor the Bureau's approach over that of BEDA. The only apparent reason the Commission would favor the Bureau's proposal is because of the belief that broadcasters will find the mandatory and exclusive use of newspapers so repugnant that they will choose Approach B, which the Commission may prefer in order to obtain the type of data that the FCC desires notwithstanding the Court's decision in Lutheran Church. Stated another way, the Bureau's proposal to the Commissioners is but an illusion of two approaches. In reality, there is only one approach that the industry could be expected to follow given the requirement in the Bureau's Approach A to advertise all openings in the broadcast industry's major competitor, the newspaper. And that approach, we believe, is unconstitutional.

5. With respect to the Bureau's proposal for "non-vacancy" activities, we are concerned that the Bureau's proposed requirements for smaller stations are too burdensome and thus unworkable. In any event, we propose that all stations be able to obtain regulatory credit for participating in the job fairs, internship, mentorship and scholarship programs and other similar programs sponsored by their State Broadcasters Associations. As the record in this proceeding reflects, BEDA has developed a "Model Broadcast Careers Program" for all State Broadcasters Associations covering all aspects material to the Commission's core goal which is to give serious minded persons a meaningful opportunity to develop a career in broadcasting. The State Associations would be pleased to provide Certificates of Compliance for station participation, including use of the State Association's website for job postings, which is a similar certification process to that used under the very successful Alternative Broadcast Inspection Programs initiated by the Commission and operated by the State Associations.

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We would like to schedule a meeting with you to discuss this and other aspects of the Bureau's proposal as soon as possible.

Very truly yours,



Richard R. Zaragoza  
David D. Oxenford

RRZ/saj  
Enclosure

cc: Magalie Roman Salas, (by hand delivery only)  
Commissioner Susan Ness (via hand delivery and facsimile)  
Commissioner Harold Furchtgott-Roth (via hand delivery and facsimile)  
Commissioner Michael K. Powell (via hand delivery and facsimile)  
Commissioner Gloria Tristani (via hand delivery and facsimile)  
Thomas C. Power (via hand delivery and facsimile)  
Mark D. Schneider (via hand delivery and facsimile)  
Helgi C. Walker (via hand delivery and facsimile)  
Peter A. Tenhula (via hand delivery and facsimile)  
Rick Chessen (via hand delivery and facsimile)  
Roy J. Stewart (via hand delivery and facsimile)  
Susan Fox (via hand delivery and facsimile)  
Renee Licht (via hand delivery and facsimile)  
Paulette Laden (via hand delivery and facsimile)  
Jane Mago (via hand delivery and facsimile)

## **Attachment A**

### **Illustrative Listing of Federal Government Agencies that Use the Internet to Post Job Openings**

#### **Federal Communications Commission**

[www.fcc.gov](http://www.fcc.gov) (Learn More About the FCC/Employment Opportunities)

#### **Department of Agriculture**

[www.usda.gov](http://www.usda.gov) (Opportunities/Employment/USDA)

#### **Department of Commerce**

[www.doc.gov](http://www.doc.gov) (Commerce Job Opportunities)

#### **Department of Education**

[www.ed.gov](http://www.ed.gov) (ED Job Openings)

#### **Department of Energy**

[www.doe.gov](http://www.doe.gov) (Employment Opportunities)

#### **Department of Health and Human Services**

[www.hhs.gov](http://www.hhs.gov) (Employee Information/Employment Opportunities)

#### **Department of Housing and Urban Development**

[www.hud.gov](http://www.hud.gov) (about hud/jobs at hud)

#### **Department of the Interior**

[www.doi.gov](http://www.doi.gov) (Index/Employment)

#### **Department of Justice**

[www.usdoj.gov](http://www.usdoj.gov) (Employment)

#### **Department of Labor**

[www.dol.gov](http://www.dol.gov) (DOL Job Openings)

#### **Department of State**

[www.state.gov](http://www.state.gov) (The Department/Careers/Sate Department)

**Attachment A (continued)**

**Department of Transportation**

[www.dot.gov](http://www.dot.gov) (Education & Employment)

**Department of the Treasury**

[www.ustreas.gov](http://www.ustreas.gov) (job opportunities)

**Department of Veterans Affairs**

[www.va.gov](http://www.va.gov) (Help/FAQ/How can I get a job at VA?)

**Central Intelligence Agency**

[www.odci.gov](http://www.odci.gov) (Employment at the CIA)

**United States Air Force**

[www.airforce.com](http://www.airforce.com) (career center)

**United States Army**

[www.goarmy.com](http://www.goarmy.com) (Find a Recruiter)

**United States Marine Corps**

[www.usmc.mil](http://www.usmc.mil) (Opportunities for you in the Corps)

**United States Navy**

[www.navyjobs.com](http://www.navyjobs.com)

**United States Coast Guard**

[www.uscg.mil](http://www.uscg.mil) (reserve jobs)

**United States Senate**

[www.senate.gov](http://www.senate.gov)

**United States House of Representatives**

[www.house.gov](http://www.house.gov) (Other Organizations, Commissions and Task Forces/Human Resources  
Vacancy Announcements)

**The White House**

[www.whitehouse.gov](http://www.whitehouse.gov) (Commonly Requested Federal Services/Employment and taxes/EOP  
Competitive Job Vacancies)



**Attachment B**

**Illustrative Listing of Commercial Web Sites that Post Job Openings**

**jobcue.com**

**Headhunter.net**

**monster.com**

**careerpath.com**

**JobBankUSA.com**

**bestjobsusa.com**

**govtjobs.com**

**Attachment C**

# America's Job Bank

[ [Home](#) | [Instructions](#) ]

## About This Service

America's Job Bank is a partnership between the US Department of Labor and the state operated public Employment Service.

### The Public Employment Service:

The public Employment Service is a state operated program that provides labor exchange service to employers and job seekers through a network of 1800 offices throughout the United States. For more than 60 years, the public Employment Service has helped people and jobs find each other.

Since 1979, the states have cooperated to exchange information to offer employers national exposure of their job openings. In the spring of 1998 the additional service of posting resumes from job seekers was initiated. Publicizing job listings on a national basis has helped employers recruit the employees they need to help their business' succeed, while providing the American labor force with an increased number of opportunities to find work and realize their career goals.

The America's Job Bank computerized network links state Employment Service offices to provide job seekers with the largest pool of active job opportunities available anywhere and nationwide exposure for their resumes. For employers it provides rapid, national exposure for job openings and an easily accessible pool of candidates. In addition to the Internet, the job openings and resumes found in America's Job Bank are available on computer systems in public libraries, college and universities, high school, shopping malls, transition offices on military bases worldwide and other places of public access.

- About Our Job and Resume Listings

Most of the jobs listed on America's Job Bank are full time listing and the majority are in the private sector. The job openings come from all over the country and represent all types of work, from professional and technical to blue collar, from management to clerical and sales.

Likewise, the resumes listed on America's Job Bank contain candidates with a wide range of skills and experience in all types of employment fields.

- Cost

There is no charge to either employers who list their job vacancies or to job seekers who utilize America's Job Bank to locate employment. The services provide by America's Job Bank and each state's Employment Service program are funded through Unemployment Insurance taxes paid by employers.

### More about specific services:

- [Employer Services](#)
- [Job Seeker Services](#)